

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IVA HAUKENES,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES
LLC; EXPERIAN INFORMATION
SOLUTIONS, Inc.; TRANS UNION LLC;
NEXTELL WEST Corp.; and ENHANCED
RECOVERY COMPANY LLC,

Defendant.

No. 3:11-cv-05535-BHS

DECLARATION OF NIGEL S.
MALDEN IN SUPPORT OF
PLAINTIFF'S MOTION TO
CONTINUE TRIAL AND RELATED
DATES

I, NIGEL S. MALDEN, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Washington.
2. I substituted into this case to represent the Plaintiff on April 10, 2012.
3. Since entering the case, I have been attempting to get up to speed as quickly as possible to analyze the issues and to coordinate the exchange and completion of discovery with opposing counsel.
4. Defense counsel would like to take the depositions of Plaintiff IVA HAUKENES and her spouse, STEVEN CHASE, on two (2) successive days. This is important because counsel for ENHANCED RECOVERY, AL LIMBERG and/or JIM SCHULZ, must fly in for the depositions from out of state (either California or Illinois).

Declaration of Nigel S. Malden in Support
Of Plaintiff's Motion to Continue Trial and
Related Dates

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 114
Tacoma, Wa. 98402
253-627-0393 253-573-1209 Fax

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2 ENHANCED RECOVERY wishes to avoid sending counsel on multiple trips to
3 Washington for the depositions.

4 5. Plaintiff IVA HAUKENES is ready to complete her deposition at the parties
5 earliest mutual convenience. However, her spouse, STEVEN CHASE, is scheduled for
6 spinal surgery on August 1, 2012 and he will be physically and mentally incapacitated by
7 pain and medication for several weeks making it impossible for him undergo a deposition
8 in August 2012. Mr. Chase's deposition could not be taken in July as originally discussed
9 due to his physical condition and pending surgery.

10 6. I suggested to opposing counsel that we give STEVEN CHASE at least four (4) to
11 six (6) weeks to recover from his spinal surgery before taking his deposition. This would
12 mean scheduling the deposition of the Plaintiff and Mr. Chase in September of 2012.

13 7. In order to ensure the defense has a reasonable opportunity to depose the Plaintiff
14 and her spouse, and the parties have sufficient time to meet all successive deadlines, the
15 Plaintiff asks this court to move the trial date and all other relevant dates back at least 90
16 days. The deadlines to be moved back should include the date to complete depositions,
17 dispositive motions, settlement conference, motions in limine, pre-trial conference, pre-
18 trial brief and the trial date. Timeline as follows:

- 19 a. Depositions completed by October 29, 2012;
- 20 b. Dispositive motions filed by November 30, 2012;
- 21 c. Settlement conference held no later than December 28, 2012;
- 22 d. Mediation held no later than January 17, 2013;
- 23 e. Letter of compliance as to Local Rule CR 39.1 filed by January 28, 2013;
- 24 f. Motions in limine filed by January 21, 2013;
- 25 g. Agreed to pretrial order filed by February 4, 2013;
- h. Pretrial conference will be held at 2:30 p.m. on February 18, 2013;
- i. Trial brief, proposed voir dire and jury instructions due February 13, 2013;
and
- j. Four (4) day jury trial set for 9:00 a.m. on February 26, 2013.

Declaration of Nigel S. Malden in Support
Of Plaintiff's Motion to Continue Trial and
Related Dates

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3 8. I have discussed the situation with opposing counsel, AL LIMBERG and
4 GAVIN SKOK. I believe that they will support rather than oppose this motion but I am
5 not authorized to make a specific representation at the time of this filing.

6 I declare under the penalty of perjury and of the laws of the State of Washington
7 that the forgoing is true and correct.

8 DATED: This 20 day of July, 2012.

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11 NIGEL S. MALDEN, WSBA #15643
12 Attorney for plaintiff Iva Haukenes
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Declaration of Nigel S. Malden in Support
Of Plaintiff's Motion to Continue Trial and
Related Dates

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CERTIFICATE OF SERVICE

I hereby certify that the following documents:

- Motion to Continue Trial and Revise Relevant Dates;
- Declaration of Nigel S. Malden in Support of Plaintiff's Motion to Continue Trial and Related Dates;
- *Proposed* Order Re: Trial Continuance

were forwarded on this 20th day of July, 2012, for service upon:

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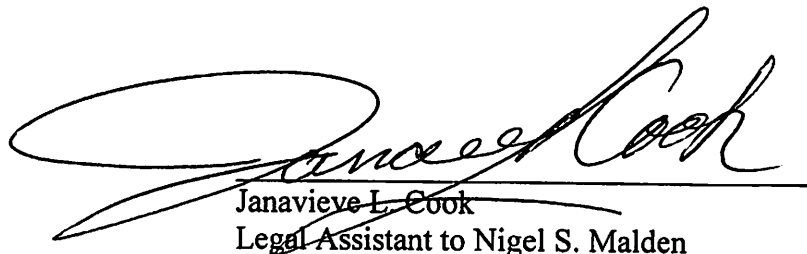
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- ☒ E-Mail

I declare that under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: this 20th day of July, 2012.


Janavieve L. Cook
Legal Assistant to Nigel S. Malden

Declaration of Service

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